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*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

ANDREA BALISTRERI, an individual;

Plaintiff,

v.

KEY INSURANCE COMPANY, a foreign  
corporation; DOE DRIVER I-X; DOE OWNERS  
I-X; ROE OWNERS I-X; ROE EMPLOYERS I-  
X; AND ROE COMPANIES I-X,

Defendants.

CASE NO.: 2:24-cv-00681 -JAD-DJA

**STIPULATED JOINT DISCOVERY  
PLAN AND SCHEDULING ORDER**

**Special Scheduling Review**

COMES NOW Plaintiff ANDREA BALISTRERI by and through his counsel of record KIMBALL JONES, ESQ., and JOSHUA P. BERRETT, ESQ., of the law firm of BIGHORN LAW and Defendant KEY INSURANCE COMPANY by and through its counsel, PHILIP GOODHART, ESQ., of the law firm of THORNDAL ARMSTRONG, PC., and hereby submit this Stipulated Joint Discovery Plan and Scheduling Order:

**Fed.R.Civ.P. 26(f) Conference.**

Counsel for the parties participated in a Rule 26 Discovery Conference on May 3, 2024.

The conference was attended by Joshua P. Berrett, Esq., for Plaintiff and Philip Goodhart, Esq., for Defendant. At the conference, there were no discovery disputes at that time. The parties agree to exchange their disclosure statements in a timely manner. Counsel are requesting nine months to complete

1 discovery and be prepared for trial. More specifically, counsel request 270 days from the date of removal  
2 to complete discovery. The parties are requesting a longer period to conduct discovery in order to  
3 accommodate the fact that there will need to be discovery of non-parties, and counsel for the parties have  
4 demanding schedules already, particularly throughout the summer, so more time is anticipated to  
5 schedule and conduct the necessary discovery in this matter.

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7 Based upon the above, the parties request nine months for discovery under the discovery schedule  
8 set forth below:

9 1. **Discovery Cut-Off Date:** The parties are requesting 270 days for discovery from April 8,  
10 2024, the date of removal. Thus, the parties request a discovery cut-off date of **January 3, 2025** – 270 days  
11 after removal.

12 2. **Amending the Pleadings and Adding Parties:** The parties request that all motions to  
13 amend the pleadings or to add parties be filed no later than **October 4, 2024** – 91 days prior to the proposed  
14 close of discovery.

15 3. **Fed.R.Civ.P. 26(a)(2) Disclosures (Experts):** The parties request the disclosure of experts  
16 be made on or before **November 4, 2024** – 60 days before the proposed discovery cut-off date. Disclosure  
17 of rebuttal experts shall be made by **December 4, 2024** - 30 days after the initial disclosure of experts.

18 4. **Interim Status Report:** Under recent changes in the rules, the parties will not file an interim  
19 status report previously required by LR 26-3.

20 5. **Dispositive Motions:** The date of filing dispositive motions shall be no later than **February**  
21 **4, 2025**, - 31 days after the proposed discovery cut-off date. In the event that the discovery period is extended  
22 from the discovery cut-off date set forth in this proposed Discovery Plan and Scheduling Order, the date for  
23 filing dispositive motions shall be extended to be not later than 30 days from the subsequent discovery cut-  
24 off date.

25 6. **Pretrial Order:** The date for filing the joint pretrial order shall not be later than **March 6,**  
26 **2025**, - 30 days after the cut-off date of filing dispositive motions. In the event that dispositive motions are  
27 filed, the date for filing the joint pretrial order shall be suspended until 30 days after decision on the  
28 dispositive motions or until further order of the court. In the further event that the discovery period is

1 extended from the discovery cut-off date set forth in this Discovery Plan and Scheduling Order, the date for  
2 filing the joint pretrial order shall be extended in accordance with the time periods set forth in this paragraph.

3 7. **Fed.R.Civ.P. 26(a)(3) Disclosures:** The disclosures required by Fed.R.C.P. 26(a)(3), and  
4 any objections thereto, shall be included in the joint pretrial order.

5 8. **Alternative Dispute Resolution:** Counsel for the parties certify that they met and conferred  
6 about the possibility of using alternative dispute resolution including mediation, arbitration and/or an early  
7 neutral evaluation. The parties agree that an early neutral evaluation would not be effective at this time as  
8 the parties and their counsel believe that it is necessary to conduct discovery before attempting to resolve  
9 this case. Counsel further agree that a settlement conference or private mediation may be beneficial after  
10 discovery is concluded. Finally, the parties and their counsel are not interested in submitting this case to  
11 arbitration, at this time.

12 9. **Alternative Forms of Case Disposition:** The parties certify that they discussed consenting  
13 to trial by a magistrate judge or engaging in the Short Trial Program under Fed.R.Civ.P. 73 and at present  
14 do not consent to either alternative form of case disposition.

15 10. **Electronic Evidence:** The parties certify that they have discussed and intend to use  
16 electronic evidence at the trial of this matter and will ensure that said evidence is in an electronic format  
17 compatible with the Court's electronic jury evidence display system. At present, the parties have not agreed  
18 upon any stipulations regarding use of electronic evidence but will address this issue again in the Pre Trial  
19 Order.

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11. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** Any stipulation or motion must be no later than 21 days before the subject deadline. Request to extend discovery deadlines must comply fully with LR 26-3.

Respectfully submitted this 8<sup>th</sup> day of May 2024.

**BIGHORN LAW**

By: /s/ Joshua P. Berrett Esq.

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*Attorneys for Key Insurance Company*

**ORDER**

**IT IS SO ORDERED:**



**UNITED STATES MAGISTRATE JUDGE**

**Dated:** May 9, 2024.